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ABSTRACT

This paper draws on four perspectives on power and its exercise in organizations to analyze the practice of governing colleges and universities. The exploration uses political theories (particularly those assessing the legitimacy and effectiveness of stable political entities), leadership studies, analyses of how formal and informal organizations interact in the management of conflict, and analyses of the tension between bureaucratic and professional authority. The argument proposes that the processes of governing provide more useful data than structures of governance in understanding how college and university organizations manage conflict. It is concluded that power, conceptualized more in Jeffersonian than Machiavellian terms, can form the central theme of a way to govern academic institutions, and has a far better chance of succeeding than any particular structural form. (Contains 34 references.) (Author/SLD)

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# "Governance" or "Governing?"

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"Politics, n. Strife of interests masquerading as a contest of principles."
Ambrose Bierce.

"Who governs?" asked Robert Dahl in the title for his 1961 book on power in urban politics (Dahl, 1961). He argued that studying the actual exercise of power was a better way to understand government than simply analyzing structures or philosophizing about principles. He concluded that power was more fluid and kinetic in real situations than had been previously recognized, and that active involvement of individuals and groups varied from issue to issue and from episode to episode. I will use this idea to explore how the internal governance of colleges and universities can be analyzed, understood, practiced, and assessed. The external context -- political, social, and economic – may certainly affect and constrain how universities are governed and what is decided in the process. But I will restrict this paper to focus solely on internal governance.

Power and its exercise in organizations, particularly in colleges and universities, has been analyzed from a variety of points of view, four of which will inform this paper. I use political theories (particularly those assessing the legitimacy and effectiveness of stable political entities), leadership studies, analyses of how formal and informal organization interact in the management of conflict, and analyses of the tension between bureaucratic and professional authority. Through these perspectives, I conclude that structures, while necessary, are not sufficient to manage the kinds of conflict that emerge in colleges and universities. Understanding less formal and more contingent ways to deal with these conflicts, including nuanced uses of subtle forms of power (in the Jeffersonian rather than the Machiavellian tradition) seem to me the most promising avenues for governing higher education.

Who governs higher education? How?

Who does govern higher education? In the early 21st century, the answer is complex. If by "governing" we mean the exercise of some degree of influence or power over important decisions, then higher education is governed by a pluralistic array of legally designated authorities, interest groups, academic traditions, and institutionally unique customs and patterns. We have been asked to address the effectiveness of governance and to look at ways to improve it. In order to get to this end point, I argue that understanding how it – governing – works and the forces that shape the behavior of those who govern give us the soundest analytical platform from which to begin. It seems to me that how power and authority are exercised – and that is what governing is about – tells us a great deal more than analyses of structures, procedures, or outcomes can.

By what criteria can we judge "governance?" In a democracy, there is probably no particular criterion beyond Ben Franklin's comment to a woman who asked him what kind of government the Constitutional Convention had produced. He is often quoted as replying, "A Republic, ma'am, if you can keep it…." I think his point would be that as long as a people persist in governing themselves in a constitutional framework, the specific forms probably do not matter materially.

This raises a semantic problem that I would like to resolve at the beginning: the difference between "governance" and "governing." Governance implies structure, an answer to "who is authorized to decide…." Governing implies the way people work within and around those structures of formal authority to get things decided. I am going to look at the questions from the point of view that "governing" – exercising power and authority -- is in fact more important than "governance." Neither can be trivialized, but,

as with the debate over intelligent design and evolution, it seems to me that one framework – governing or evolution – promises a more behavioral and evidentiary attack on the problem than the other – governance or intelligent design. "Governance" and "intelligent design" both imply some kind of supreme explanatory rationale for how things ought to be, while "governing" and "evolution" imply that finding out how things actually work might (via inference) yield up explanations for why things work the way they do.

Prescriptions for governing academic institutions seem to be tri-polar. The AAUP's 1966 statement on (shared) governance, for example, proposes a limited (actually "self-limitation") role for the board, if not a principal role for faculty (American Association of University Professors, 1966). The Association of Governing Boards, on the other hand, argues for a stronger presidency (Association of Governing Boards, 1996). The American Council of Trustees and Alumni support a more activist board (American Council of Trustees and Alumni, 1998). (I could add that activist governors and legislators want to strengthen the state's role, as well, but "quadri-polar" gets too complicated.) If we accept Dahl's essential view, none of these prescriptions is inherently more valid than any of the others, insofar as each claimant – in a legitimate democracy – has the right to contend. So perhaps a synthesis from a different perspective is needed.

I will argue that an overriding goal of democratic governance is to engage the interests of constituencies and to mobilize those interests as Franklin's "if you can keep it" implies. Mobilized constituencies will, of course, generate conflict, so whatever the "system," its success or failure will depend on how it deals with conflict. The vigor and health of the system – whether its constituents can "keep it" – is measured by whether

people use it to sort out the normal and universal competition for those things that matter to them. A good system will provide for an equitable distribution of rights and resources, one that is perceived as both fair and fairly determined. But it will also provide for outcomes of value. Governing is substantially about what these outcomes are and ought to be, how resources are marshaled to achieve them, and what relative value is placed on each prospective outcome.

This view differs from the more or less conventional ways of thinking about "governance." First, it is structure-neutral; I take the view that structures, other things being equal, are simply a means to an end, and not an end in themselves. Second, I acknowledge that the fluidity of power and influence is as important as formal delegated authority. (But formal delegated authority cannot be overlooked. Charters and state laws define the corporate nature of colleges and universities; and specify ownership, forms of control, lines of authority and accountability, and fiduciary responsibilities for assets.) Third, I contend that how a governing process deals with the most fundamental conflicts that divide its constituencies is essential to any assessment of its effectiveness.

A dynamic model for governing (as opposed to a structural model for governance) seems worth considering because it provides a framework for understanding both the nature of conflict and ways of handling it. I will consider four more or less conventional frameworks commonly used to interpret governing, those that a) consider a balance between legitimacy and effectiveness, b) draw on leadership theory and research, c) look at organizations as both formal structures and informal processes, and d) account for the differences between bureaucratic and professional authority. I will attempt to show how

those frameworks converge on managing conflict and exercising power in college and university organization. .

Perspectives..

Governance has been studied and recommendations for reform made from a wide array of perspectives. It was the central focus of several projects conducted at the Penn State Center for the Study of Higher Education during the 1970's. In particular, Kenneth Mortimer drew on political theory and related research strategies to study how institutions implemented shared governance in the wake of the AAUP statement, then relatively new. In an era of campus protests and political turmoil during the late 1960's and early 1970's, governance was more openly contested terrain than it has been in more recent years (Hodgkinson and Meeth, 1971) Among the fruits of those early studies, Mortimer and McConnell published Sharing Authority Effectively in 1978, partly a result of their studies of academic senates (Mortimer and McConnell, 1978). Others have studied boards (Kerr and Gade, 1989), presidents (Fisher, 1983; Cohen and March, 1974), decision patterns (Baldridge, 1971), and the dynamics of relations between states and universities (Berdahl, 1971; McLendon, 2000; Association of Governing Boards, 1998). Prescriptions for senates, boards, presidents, and state agencies abound. Perhaps the most interesting outcome of this line was the study of "joint big decision committees" by Schuster and colleagues (1994).

I will not review these studies here. Instead, my objective is to think about governing from a purely political point of view. I follow Machiavelli in spirit – considering how power is exercised – and Marx in perspective – trying to understand "the state" in terms of pervasive underlying conflicts. I should say that neither is readily

adaptable to the cultural rules of academe, but their ideas provide starting points and foundations for practice. I will look past the cliché that academic institutions are somehow different from other corporate entities. They are not. They must attract and distribute resources; they must manage people; they must adapt and change; they must carry on satisfactory and realistic transactions both internally and externally. If they do so in different ways than others, then it can just as well be said that others do so in different ways than universities. The fundamentals are, in fact, the same.

Politics and conflict.

As Baldridge (1971) pointed out in his landmark book, power and conflict are a central part of university governance and their dynamic interaction provides a frame of reference in interpreting the flow of decisions. Conflict is both inevitable and universal. It must be managed rather than suppressed. When suppressed, discontent among the deprived builds to an aggravated level and may spill into something that cannot be predicted or controlled. When people lose faith in the ability of the system to behave transactionally, they ultimately take their discontents into their own hands with consequences that cannot be foreseen. Accepting the universality of conflict in any social system, whether a family, an organization, or a state, governing involves finding a way to conduct transactions that "satisfice" (Simon, 1997).

If war is indeed merely politics by another name, the difference is a matter of degree and not kind. The fundamental similarity is that politics and war are just different ways of dealing with conflict. The difference, though, lies in why conflict may be expressed differently. War occurs when all hope of political solution is lost. Political solutions are – at bottom – transactions among parties-at-interest. Transactional politics

characterize the usual and routine business of government (Burns, 1978). Stable societies require continued transactions among interests to keep the pressures – economic, social, and political – from building up and sparking the more intense engagement of wills that is war (e.g., Randall Collins, 1974). This is a fundamental principle behind all models for managing conflict.

I am putting aside the tactical and strategic issues related to bargaining and negotiating – e.g., achieving "Pareto-optimal" outcomes – although they clearly are relevant in the more operational aspects of governing. For the time being, it is enough to establish that all social entities must find ways of dealing with conflict, and that "governing" is substantially the art and science of managing conflict.

Conflict underlies academic governance. Universities and colleges have to manage disagreements about purpose and values, about the use of money and time, about membership on the faculty or in the student body, and about "product." Disagreements are both legion and legendary – over things that may appear arcane to an uninitiated observer, but that represent high stakes in academic terms. (How much should any particular publication count toward tenure? Which program should receive a new tenure-bearing faculty line? Should mathematics be a degree requirement? Under what conditions should varsity athletes be excused from classes or exams? Should departments have elected "chairs" or appointed "heads?") Governing means dealing with issues like these – perhaps not resolving them, though, as the underlying tensions will remain alive beyond a given decision.

Frameworks for Analysis.

Any number of frameworks can be brought to bear on governing. I will discuss four in some depth. The first is an amalgamation of theory about legitimacy and effectiveness as joint criteria for assessing government. I draw loosely on Robert Dahl (1961) in particular. The second is drawn from a distillation of research on leadership, well-summarized by Hoy and Miskel (2000). They categorize leadership as task-oriented or relationship-oriented, dimensions not unlike those in the legitimacy-effectiveness model. The third differentiates between the exercise of formal and functional (or informal) authority in organizations. Most governing schemes operate with a mix of a priori delegated authority and functional working relationships that emerge as contingencies demand. (Several papers published by the Jean Monnet Program on EU governance grapple with the evolution of formal and functional authority. Borzel and Risse, 2000.) And fourthly, Presthus' (1962) idea of the professional bureaucracy helps me to think about governing universities. Some organizations employ professionals (like academics or physicians) and rely on their judgment for the substance of their work. The usual top-down delegation of authority doesn't work very well in this kind of organization – and often results in absurdity. M*A*S*H is perhaps the best illustration of the clash between the polar opposites of military command and medical judgment. The characters in M*A*S*H were obviously drawn hyperbolically, but the story gets the point across vividly.

I will use these frames of reference help sort out criteria by which we can assess the way governing handles conflict. I will try to synthesize them later in the paper.

Legitimacy and Effectiveness.

Dahl (1961) proposed two criteria for stable government. It must meet the essential needs of the governed (effectiveness), and it must be perceived as legitimate – that is, by whatever cultural standards, those who govern achieve the consent of the governed. Although historically that consent may have been largely religious (the divine right of kings) or economic (feudalism), and perhaps more coerced than earned, in the modern state it is fundamentally procedural. Elections and the processes of transparency and accountability underlie legitimate authority in the modern democratic state.

Consent of the governed in academe largely means consent of faculty and students, both fractious constituencies. But colleges and universities are fuzzy-edged, loosely coupled organizations (Morgan, 1986; Weick, 1976) that are comprised of other groups with claims to ownership and enfranchisement, as well: alumni, donors, state government, sponsors and consumers of research and development, parents, and citizens at large. Governing involves balancing the claims of governors (for efficiency) with the claims of faculty (for time and money), the claims of alumni (for loyalty to tradition) with the claims of students (for the need to change), the claims of athletic boosters (for privileges) with the claims of fans (for access). These competing claims recycle themselves over and over as the generations pass, since the interests themselves remain in competition. Governing involves striking balances – never permanent and never wholly satisfying to all – among the claims.

"Effectiveness" depends on the system's ability to provide what people need and expect of it. Clark Kerr's famous formula ("parking for the faculty, football for the alumni, and sex for the students"[1]) was catchy, but profoundly right in spirit. People's

[1] I am unable to find an original source, but the quotation is widely – and variously – attributed to a speech Kerr gave at the University of Washington in 1958.

expectations must be met to a level they will tolerate for a government to stand. The following table illustrates how institutions might vary as legitimacy and effectiveness evolve independently of one another. This is purely heuristic, but the examples (possibly strained) should help visualize the very real importance of assessing both dimensions together.

Table 1: Joint and independent relations of legitimacy and effectiveness.

| | |
|---|---|
| **Low effectiveness**<br>**High legitimacy**<br>EXAMPLE: College A with loyal alumni and attentive board, but with dwindling enrollment, and aging faculty and facilities. | **High effectiveness**<br>**High legitimacy**<br>EXAMPLE: University B with an engaged and productive faculty, high demand for admission, growing endowment, and increasing support from its state. |
| **Low effectiveness**<br>**Low legitimacy**<br>EXAMPLE: University C riven with conflicts and high turnover among faculty and staff; declining admission profile; increasingly precarious finances; a disengaged board. | **High effectiveness**<br>**Low legitimacy**<br>EXAMPLE: College D with a strong endowment, increasing admission pool, highly qualified and productive faculty, but open disagreements among alumni, faculty and students about purpose and strategy. High turnover among key administrators, fractious board meetings. |

Legitimacy in the democratic ethos depends heavily on procedural and substantive justification, rather than on personal qualities or the use of power. Justification is uniquely cultural because it implies both rational explanation and a value matrix in which that explanation can be assessed. Decisions – or non-decisions, which are merely the functional equivalent of decisions – have to be made and are continuously made in any normal social relationship. Decisions large and small are both justified and assessed by some criteria – explicit or implicit – and those justifications accumulate in mental ledgers that define them as good decisions or bad decisions; good or bad in terms of both substance and process. The distribution of legitimate authority (the right to decide) – may be thought of as accumulating in the collective ledger of relevant constituencies as a sort of fund of good will.

In this way of thinking, the right to govern derives from neither a formal hierarchy of relations specified in some constitutional documents (roles and responsibilities, for example), nor from principles about process (participatory or

consultative patterns, for example). Rather, the right to govern derives from a culturally defined accumulation of decisions that meet criteria of legitimacy and effectiveness. The right to govern accrues to whomever has legitimacy. Legitimacy accrues to whomever makes the most consistently justifiable decisions.

So justification becomes paramount in any analysis of how an entity is governed. In some settings, legitimacy accrues to individuals who have made certain decisions about certain things for many years, notwithstanding that they have no formal authority to do so. Their decisions are accepted as legitimate because they have good (or the best) knowledge or skill in discriminating between the right and wrong decisions in their field. In other settings, legitimacy accrues to individuals who are allowed to make decisions on a wide range of matters. They may have wider authority than anyone in their institution for reasons unrelated to any particular expertise or even formal position – a Nobel laureate in chemistry, for example, may be consulted on issues of student discipline. Or an "elder" wise in the ways of a particular institution may be consulted.

Decisions are "legitimately" made in a variety of contexts. In some cases, particularly corporate settings, economic justification is widely accepted. ("It is good for the bottom line…") In others, moral justification would be more important ("The life of the mother is at stake….") And professional judgment may be paramount in still others ("The bridge won't hold that much weight….") But these justifications all focus on the substance – the outcome – of the decision. Another axis comes into play: the procedural. How a decision – right or wrong – is made may be the central criterion by which constituencies judge it. In a democratic context, participation may be the only "legitimate" way to decide, and, no matter the formal, legal, or personal authority of any

one person or body, whether the decision was open and subject to "input" may determine its perceived validity. This tension between doing the right things and doing things right is at the heart of struggles over legitimation in university life. Ultimately, governing is political – in the best and most fundamental sense of the term. It is political in the sense that it requires the building of consent. Consent is the result when legitimacy is established. And consent is essential to the effective functioning of governance schemes. Arbitrary and capricious imposition of anyone's will over others is the antithesis of legitimate democratic governance. So politics is more or less the art of gaining consent -- in modern democratic systems, that consent is usually built through justification, whether based on economic, rational, moral, or cultural norms.

But legitimacy is not effectiveness (Table 1). Decisions that meet the "consent" test could be badly wrong – wrong on objective grounds (to wit, a liberal arts college's decision to start an engineering program, or a university's co-sponsorship of a risky "research park" venture), or wrong on cultural grounds (a women's college decides to admit men, or a research university accepts private funding for a training program in "homeopathic" medicine.)

No one can make decisions that uniformly maximize both legitimacy and effectiveness. The art of governing consists in substantially balancing these two dimensions. Some decisions have to be made quickly and without consultation if they are to maximize "effectiveness." Other decisions – no matter how effective – have to meet the test of consent via consultation if they are to "stick." There is no obvious science to balancing these requirements.

But there are ways to "satisfice" the joint demands of legitimacy and effectiveness. Openness and transparency – "government in the sunshine" – serve both demands well. Laying out facts and evidence for general consumption, floating alternative solutions, and suggesting rationales for decisions and likely consequences provide legitimizing justification and serve to discipline the process with reason. Although openness and transparency may be important desiderata, they can result in "paralysis by analysis." In real situations, there is never enough time or information to perfect decisions. Those who govern simply have to finesse the demands for perfection, accepting that they will compromise legitimacy, effectiveness, or both.

Overlaying this balance with an assessment of conflict dynamics suggests calibration of decision-scope. Should decisions be big or small? Who wins, and how much? Who loses, and how much? Jurisprudential ideas provide one model, although jurisprudence is usually not tested by the urgencies of administration. Deciding as little as possible and no more than the facts require, but as much as the facts require, is a rule of thumb judges often invoke.

From the standpoint of conflict theory, decisions are simply adjustments among the contending interests of constituents. Smaller decisions that produce joint benefits (more or less the "Pareto-optimizing" idea) typically run lower risks of exacerbating latent conflict. To illustrate, the disciplines of physics and English typify uneven distribution of resources in academe. Physical scientists have more access to external resources, teach smaller classes, and publish their work more readily than English faculty. English faculty are more often saddled with large undergraduate course loads, have very limited external resources, and have more difficult routes to publication. If an

institution suddenly shifted its reward system toward "research productivity," faculty in the humanities would undoubtedly perceive this as a further deprivation, and the decision would likely worsen an already strong latent conflict. But a shift toward rewarding teaching would probably not have an equivalent effect on physical science faculty. They have enough economic independence to be able to defend their turf (or move to another institution). Whether a move in either direction would strengthen the institution in some way depends on whether it could be achieved and on whether the consequences would be realized in some foreseeable time. So "effectiveness" is imponderable. Legitimacy, on the other hand, might well be affected because the decision was not clearly rationalized, explained, nor "consented to." Additionally, a decision to emphasize research would only exacerbate internal divisions and heighten competition for scarce resources – increasing potential conflict and increasing the odds that more redistributive work would be needed later. In other words, this is a lose-lose-lose move. More legitimate and effective results might be achieved with small incremental decisions (openly rationalized) that balance rewards to research and teaching.

Dimensions of leadership.

The second conceptual approach to governing comes from the extensive research (and theorizing) on leadership. One common synthesis of this massive body of work breaks leadership behavior into two dimensions: task- and relationship-oriented strands (Blake and Mouton, 1964; Hoy and Miskel, 2000). Leading – governing – appears to require meeting people's psychological needs for affiliation and support as well as to require that work be accomplished. The parallels to the legitimacy-effectiveness idea are obvious, but with slightly different implications for governing.

I discussed the need for openness and transparency as important in meeting the joint demands for legitimacy and effectiveness. Here, the affective needs of constituents add a dimension to our synthesis. The theme of tradeoffs between getting work done and satisfying people's need for meaningful and rewarding relationships is as old as the human division of labor. Tensions of this kind run through great literature, popular management schemes, and the emotional underground of organizational life. Work alone is not enough; people need people.

Governing, therefore, means making affective connections. Without accumulating and using affective capital, an organization is merely a tool. It will succeed only to the extent that it can satisfy the material interests and needs of its constituents, but will never be able to depend on their loyalties or affections. Nor will it retain people beyond their capacity to tolerate alienation or resist a better deal elsewhere. Colleges and universities are hardly among the wealthiest or most remunerative work places. They ask for high effort and personal sacrifice, but cannot provide commensurate material rewards that similar effort and sacrifice might generate in another line of work. Many smaller institutions, in fact, appear to run on the loyalties and devotion of their faculty and staff, rather than on the material rewards they are able to provide (Breneman, 1994; Leslie and Stump, 2002).

Governing, then, means balancing the needs of the organization to do its work and the needs of people to feel valued and supported. As with legitimacy and effectiveness, this is not an either-or proposition. It does mean balancing the personal and professional, though, creating enough flexibility and space for individuals to express themselves, to affiliate with others, to "feel" that the institution is more than a workplace. Philip

Selznick (1957) is often cited for defining "institutionalization" as the process by which an organization becomes valued for qualities above and beyond its technical competence in accomplishing work-related tasks. The idea fits well here. It implies culture-building around core values, key people, and symbolic representation of what the organization means and stands for.

While there is certainly a cheer-leading, propagandistic aspect to this notion, the underlying point is substantive. Without trying to lay out an organizational psychology, I will simply accept the proposition that a strongly engaging institutional culture can satisfy the emotional and affiliative needs of the people who work there.

I have long disdained and disliked the perverse way intercollegiate athletics displaces attention away from the academic core of American universities. But I also "worked" many Big Ten football games as a presidential assistant. I saw first-hand how effective the attendant rituals can be in drawing people inside and outside the institution into emotional commitments. In effect, it had nothing to do with football, per se, but everything to do with stimulating a feeling of community, of shared experience and values, and of affiliating people with one another. If tiddly-winks were a great spectator sport, it would serve the same purpose.

Presidents and other academic leaders seem largely to understand the value of athletic spectacles (and other non- or quasi-academic celebrations) and use them successfully to "institutionalize" in Selznick's sense of the word.

From the conflict perspective, institutionalization can override the inevitable differences that divide constituencies. Sacrificing – or at least not pursuing one's interests to the detriment of others – is a more attractive option when some greater good may

supercede one's short-term interests. "Greater good" is exactly what institutionalization is about. If governing is reduced to the very low common denominator of transactions among interests, as in the rawest form of collective bargaining, it is proportionally more difficult to extract concessions from anyone. When there is nothing but personal interest at stake, there is an inexorable logic to holding out, taking the hard line, and letting the damage fall where it may.

But where an institution can lay claim to the psychological/affective commitment of its constituents, it can also ask them to put self-interest aside, up to a point. As long as the institution can get them to "ask not what the university can do for you…," it can bring others along in keeping divisions from splintering the organization in destructive ways.

So, an "institutionalized" college or university is about more than just buying people's time and effort. It is about creating a valued community to which people feel a rewarding attachment, and to which they will commit themselves "above and beyond." Governing to achieve community requires building and sustaining a culture with these affective dimensions. Beyond just assuring "accountability" and "performance," governing will respect the ritualistic, symbolic, and affective side of the organization that builds and sustains loyalty and commitment.

One overriding problem, though, lies in the divided loyalties of many constituencies. Faculty may see their career aspirations and affiliative needs met more effectively in their informal peer networks than in their employing institutions. Students may see their principal loyalties to a fraternity, their families, a team, or simply personal ambition. Governors look to voters, trustees to their own businesses and professions, and

so on. No one, not even presidents, grant their complete devotion to the college or university. Many subtle signals pass, though, both within and among these constituencies. Is competitive behavior more rewarded than cooperative behavior? Is research more valued than teaching? Does money outweigh loyalty? Leading involves both exemplifying the valued behavior and reinforcing it.

The formula is more complicated than it may seem at first blush. A "great" university, for example, gets its reputation through competitive excellence, and it rewards competitive behavior by fairly ruthless personnel decisions – making judgments about who has succeeded and who has failed. The standards may even be widely perceived as legitimate – leading to good decisions via processes that people accept. But the institution may well suffer from a deficit in loyalty and commitment because affiliative needs are not met. In the short term, an institution like this may succeed on its own terms – competitive excellence. In the long term, it may alienate as many people as it gratifies. Leading such an institution may benefit enormously from a people-oriented president who understands how to care in public and private, although this may be the opposite of what a presidential selection process would seek. The point of this synopsis on leadership is to suggest that institutions seek a balance and that they acknowledge this in how they go about governing themselves.

Formal vs. Functional Authority.

Social entities usually work via a mix of "authorities." To a certain extent, and especially in corporate entities, the law specifies ownership and at least defines how the authority of ownership is to be deployed. The usual form is hierarchical with provision for delegation of smaller and smaller discretionary "scope."

In reality, organizations differ in the degree to which they behave as hierarchies. Although hierarchical decision-making is present to some extent in most, organizations must also make decisions "functionally." Both inside and outside the formal structure, policy and action are often negotiated in contingent ways instead of ordered in authoritative ways. Among the most historic and dramatic experiments in social reorganization, the formation and evolution of the European Union has presented challenges to traditional authority exercised by sovereign nations. Its Jean Monnet program has resulted in numerous analytical papers attempting to provide thoughtful backdrops to the uncharted terrain on which the EU has embarked. Some of these papers have addressed the dilemmas of formal and functional authority operating simultaneously in an as-yet emergent system. For example, one recent paper (Borzel and Risse, 2000) deals with the problem this way:

> .... governing functions are increasingly taken over by negotiating networks encompassing governments (national, sub-national, and local) as well as private actors (firms, interest groups, *etc.*) and representatives of civil society (such as non-governmental organisations [NGOs]). Modern welfare states look increasingly less like hierarchical structures of legitimate authority, and more like multi-level bargaining and negotiating networks in which public actors are not obsolete, but can only fulfil their functions by co-operating with private actors and/or groups. This is even true for the quintessential European nation-state, France. The authority of the French centralised state is balanced by dense formal and informal networks linking local, regional, and central-state authorities with private actors at the various levels of governance.

Complex organizations, such as universities, are also blends of hierarchical and negotiated – or formal and functional – authority. People have to work together in contingent ways to meet episodic challenges or to get things done that the hierarchy is unlikely to manage successfully. Sometimes this kind of work is explicit and sanctioned by the formal organization, but it is often subterranean and subversive. It is no less real and no less important, though.

Governing involves accommodation of formal structure to the realities of function – getting stuff done in the real world. Networks, no matter how invisible or ephemeral, no matter how subversive, are essential to successful adaptation. Because the hierarchy is not all-seeing, all-knowing, all-competent, and because the hierarchy may have sanctioned policies that are unrealistic or ineffective, organizations need underworlds that can negotiate their way past what would otherwise be (at least) beyond their ordinary capacities to manage. I am not advocating nor approving underworlds that extend to criminality – Iran/Contra being the prime example that comes to mind. But I know well the value of a carefully arranged conspiracy to subvert what the hierarchy says (and does not realistically expect). There are, quite simply, times when looking the other way amounts to better governance than enforcing every law to the literally extreme extent. (The ostensible "goodness" of a Kenneth Starr witch hunt in service to a scrupulous reading of the law often turns into a farce – a delegitimizing and self-destructive farce.) As Dickens had Mr. Bumble say, "If the law says that, then the law is a ass."

Presidents, trustees, and faculty who insist on a literal reading of formal hierarchy may do more to delegitimize governance than those who are more flexible. As a realistic matter, constituencies have to share (and sometimes even ignore) authority in order to act

in an institution's best interests. Trustees and presidents, for example, are usually not expert enough to evaluate the qualifications of each candidate for tenure they must (by terms of their authority) consider and approve. Faculty merely advise on tenure decisions, but they can more clearly judge the merits of individual cases. On the other hand, faculty may be far less able to judge how many tenured faculty an institution can afford. Trustees and presidents may seem unreasonable and unreasoning (to faculty) in the kinds of restrictions they want to place on tenure. But faculty have to accept the ultimate authority of presidents and trustees to impose limits. The two sides operate from differing bases of authority, but must find some way to share in (and perhaps compromise over) the decisions that institutions have to make.

So governing involves artful mixes of formal and functional – or informal – ways of dealing with the contingencies of organizational life. Here is the crux of my argument that structure is not as important as commonly assumed. Given a generally acceptable and functioning formal hierarchy, an inescapable requirement of corporate existence, the decision apparatus by which an organization makes its way can be loosely coupled (Cohen and March, 1974) to an extent – and even decoupled from formal authority within the bounds of responsible behavior. The challenge, of course, is to find the balance of formal and functional authority that both engages the needed capabilities and respects boundaries of – for want of better words – proprieties and customs.

With regard to conflict, negotiated or mediated, rather than legislated or adjudicated, solutions provide informal routes to resolution, routes that admit of experimentation, tentativity, and re-negotiation. Much as extrajudicial settlements and arbitration lower costs and satisfy the parties in civil disputes, so organizations may better

transact their way through conflicts in small, informal steps. This approach can avoid the costs of reorganizing, reengineering, or reforming, while settling differences in ways that are proportional to the issue at hand. In other words, conflict need not be seen as a cause for reform; it is simply something the parties need to face and work out.

Professionalism and Bureaucracy.

Robert Presthus (1962) and many others have recognized that organizations employing and depending on the work of professionals differ from the prototypical "bureaucratic" form described by Max Weber. Professionals have divided loyalties – partly to their profession and partly to their employing organization. Their work is knowledge-based and independent, rather than responsive to hierarchical corporate authority. (Hospital directors do not tell surgeons how to repair a heart; university presidents do not tell biology professors to reject Darwin, etc.) University faculty, as Burton Clark (1987) has proposed, are further divided by their respective professional cultures. Biglan (1973) offered a typology of disciplines (hard-soft, pure-applied, etc.) that emphasized their differences over their similarities.

Centrifugal force, anarchy, loose-coupling, and other metaphors for disorder are often invoked in attempts to describe university organization. Professionalism is obviously both at the heart of the academic enterprise, and one of its most vexing qualities. If universities are indeed ungovernable, faculty with wide-ranging interests and loyalties may be a substantial factor. Although many faculty obviously build their careers within a given institution and remain loyally bound to it for decades (described as "locals" by Alvin Gouldner, 1957), others submit only to very temporary and contingent

connections to particular institutions, choosing instead to migrate freely as their interests and job offers may permit (Gouldner's "cosmopolitans").

A substantial fraction of faculty, at least hypothetically, work beyond the reach of corporate authority. Disengaged, disinterested, and disloyal, they will simply ignore the community of which they are a nominal part, and (simultaneously) engage their professions and networks more intensely. What they do and how they do it may be more concretely shaped by their (international) cosmopolitan peers' expectations than by any institutional template. This pattern is, of course, implicitly sanctioned by institutions that reward research over teaching, engage in bidding wars for "stars," and honor the non-institutional achievements of those who may or may not play any substantial role within the institution that pays their salaries.

The profession as a whole is also governed by the norms of academic freedom. Faculty are supposed to exercise their expertise and freedom of inquiry and speech as an integral element of their professional work. Since faculty expertise ranges widely, they are typically at odds with both the corporate authority of their institutions as well as the civil authority of government and the popular mores of mass culture. After all, who is to stifle a Marxist political scientist who comments expertly on the policies of a Republican president? The corporate university may shudder at the public relations fall-out, but the norms of academic freedom almost always protect even the most insolent commentary. But that is the essence of the university – a free and ordered space (Giamatti, 1990) from which ideas flow so they can be tested.

Governing an anarchy, as Cohen and March (1974) pointed out, is a unique and unconventional art form. It is not at all a rational game, unless one comprehends the rules

in context. There is an Alice-in-Wonderland quality to the game as played, beginning with the general principle that what passes for conventional reality is but a hypothesis to be tested – over and over and without end. Argument, rather than closure, is the coin of the academic realm, and faculty advance in their careers almost precisely to the degree that they succeed in contending against convention. After all, the norms of science assert that no truth is to be accepted until it (at some infinite point) escapes disconfirmation (Kuhn, 1962). Disconfirming is the honorable trade in which serious academics engage.

So, although the logic of corporate organization demands convergence on plans of action, academic organizations must overcome powerful counterforces in their cultures – namely that convergence is a last resort for the academic mind, and premature closure (possibly *any* closure) not to be trusted.

It is here that perhaps the most trying conceptualization is faced. In most colleges and universities most of the time, professionalism in the faculty, the strength of the institution's very heart, makes "management" virtually impossible in the traditional sense. Ironically, this conundrum leads to the separation of powers and a divorce between layers of the organization. Boards, presidents, and their immediate subordinates in the corporate hierarchy find themselves deciding; faculty find themselves left out. The corporation makes policy (because it must); employees work in general blindness to policy (because they don't know or understand what it is). A board may think it has a binding strategic sense of the institution it governs, its strengths and weaknesses and future. Yet that strategic sense may emerge in very different terms among the faculty. (One example that comes to mind involves a new president speaking expansively about making his university into one of the "top 25" research universities, while faculty at the

same institution feel they are facing a steadily declining resource base and competitive position: Two alternative realities that are obviously irreconcilable.)

Conflict is obviously close to the surface when bureaucratic organizations and the professionals who work in them collide. And they do collide because they see the world through quite different lenses. Sweet reason, palliative socialization, and even Cohen and March's "play" don't resolve this kind of deep difference in any but the most superficial way. For this is a powerful chasm between the bases of authority to which individuals will consent.

Here, though, is also where bridging activities like academic senates, overlapping membership on "joint big decision committees" (Schuster, et al, 1994), and rotating administrative appointments serve "safety-valve" functions. These are organizational artifices for bringing the sides into contact, for fudging the formal lines of authority, and for diffusing responsibility among several different estates. As ineffective and frustrating as complex, overlapping, and fluid governance arrangements may be (and as dysfunctional from time to time, as well), they are useful for precisely these reasons. The deep conflicts that might otherwise tear institutions apart can be enacted where there is no permanent damage to be done and where there is almost infinite room for negotiable transactions of the institution's agenda.

Research on governance.

The nature of university governance begs for deep, long-term case studies through which the interaction of complex arrays of behavior can be observed and connected. Some evidence, however, suggests that decision streams might make better units of analysis than structures. Faculty perceive curriculum decisions differently than they

perceive budget decisions, for example, and accord legitimacy differently in commensurate ways (Leslie, 1971). Power studies (Polsby, 1980) generally look at the distribution of involvement in specific decisions or decision arenas, inferring from these patterns to general ideas. Or they may look at power as imputed to people or classes of people in a given arena. If one were interested in presidential power, for example, these approaches would first establish who decides things and who is understood to decide things (in different decision arenas). One might find presidents (or senates or boards) to be more involved in some decision streams than others, or to be perceived as asserting more power in some arenas than others. But only by mapping the actual streams and arenas could one estimate the role of any actor relative to the roles of other actors. So it is critical to focus on the right unit of analysis: streams or arenas, rather than structural targets like presidents, senates, or boards.

"Keeping it...."

Franklin's injunction to prospective citizens of the republic provides the bedrock test. Constituents of a state are its owners and minders. If they are engaged in the work of governing, then they have "kept" it. If they concede the work to a dictator, a mandarin class, a "military-industrial complex," or any other proxy, then to that extent, the system weakens or shrivels away. As I hope I have been able to show, the work of governing is the active reconciliation of conflicting interests through the fair distribution of both rights and resources. In the case of corporate governance, such as that of a college or university, governing also includes exercising fiduciary responsibilities on behalf of the state or to preserve the terms of a charter.

On the face of it, higher education in the U. S. is governed at least "functionally," if not perfectly. Whether there is a consistent pattern, how institutions vary from one another, and how individual institutions vary over time are fundamentally empirical questions that have not been answered adequately by existing research. But the large swath of mainstream institutions very seldom seem to endure public breakdowns in how they are governed. Individual episodes in which leaders lose their mandates (and their jobs), or in which senates or committee structures are reorganized appear from time to time, but, on the whole, it is hard to detect signs of any sort of "governance crisis." Visible conflict among constituents, in my view, is actually a sign that important constituents are engaged in important issues and have found, or have confidence that they can find, ways to deal with their conflicts through some institutional channels. An effective governing process actually should surface important issues and provide opportunities to work through the conflicts -- not necessarily to everyone's satisfaction, but to the end of satisficing solutions, of which some will be merely temporary.

Whatever signs of frustration may appear from time to time can be interpreted through various lenses. The lenses I have outlined in this paper suggest that governing involves the continued adjustment of conflicting interests. Undoubtedly institutions do this work in their own unique (and perhaps eccentric) ways. Some will rely on an explicit constitutional order, clear management lines, and formal procedures. Others will be far more informal and ad hoc.

My key point is that the degree and form of structure is less important than understanding how and why governing is a process to handle conflict. To some extent, conflict may be about power, but it is also about building an institution. Bringing diverse

people together to work on behalf of some common goal(s) is a complex exercise. There is no magic formula – as decades of political science, organizational theory, economics, and humanistic studies can attest. It is a basic dilemma in all social orders: establishing a greater good in which individuals cooperate to their own benefit and to the larger benefit of their community.

I have suggested at least four important kinds of work in governing:

1. Balancing legitimacy and effectiveness.
2. Leading along two dimensions: getting work done and engaging people.
3. Differentiating between formal organizational structures and the functions of organizations as they adapt and evolve.
4. Bridging the divergence between cultural and operational imperatives of the bureaucratic and professional sides of the organization.

These are all processes. They do not imply any particular structural formula for governing. In many ways, these tasks are better performed outside of, rather than within, rigid structures. The bedrock test of governing lies in how conflicts – both large and small, both latent and open – are handled. Each of these four tasks, and the perspectives from which they have been drawn, implies a way to govern that puts conflict and its adjustment at the heart of the work of governing. Governing is a dynamic, evolving form of work, and it is highly contingent on the circumstances and cultures of particular settings in which it is done. What works in one time and place may or may not work again in another. But the perspectives and processes I have outlined are transferable. That is why I suggest we differentiate between "governance" and "governing." Much of the work of governing is best managed when it is neither constrained by nor limited to the

formal structures of decision. It may be necessary in a legal, fiduciary sense to have structures that make decisions explicit and binding under the law, but structures are only the tip of the decision making iceberg. How the parties at interest explore their varied positions, how they negotiate contested terrain, and how they achieve peaceful accommodations outside the formalities provide powerful vectors through which to observe and analyze the governing of a university.

I offer no explicit guidance about "how to do it," except to point out how crucially important it is for those who are hierarchically privileged to work at governing informally. Formal authority may best be husbanded by limiting reliance on it. At the same time, it is equally important for those with a limited franchise – the "little people" – to preserve their right to use the formal channels available to them. This fundamental inversion of strategy by those at the top and those at the bottom probably assures both the openness of the system to essential movement and – in the long run – its stability and legitimacy.

Let me conclude by attempting to integrate the perspectives of both Machiavelli and Jefferson on power. The former understood the uses of power in statecraft, and power is indeed one tool by which "princes" govern. The question, though is how that power is used. Jefferson undoubtedly would have used power less for personal advantage than on behalf of the common citizen's good while Machiavelli would have used power on behalf of the "prince." But Machiavelli had not seen a democracy in his time. Democratic institutions like universities are about dividing sources of power and limiting its exercise. Power in academic life springs from many sources and may be exercised by many different people. Power lies in information. Power lies in taking initative. Power lies in

listening and understanding. Power lies in articulating purposes and values, and in framing agendas. Power lies in bringing people and their interests together. Power lies in negotiating solutions.

Power of this kind, more Jeffersonian than Machiavellian, can form the central theme of a way to govern academic institutions – and has a far better chance of succeeding than any structural magic.

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